

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by adding
5 Section 24-3B as follows:

6 (720 ILCS 5/24-3B new)

7 Sec. 24-3B. Firearms trafficking.

8 (a) A person commits firearms trafficking when he or she
9 has not been issued a currently valid Firearm Owner's
10 Identification Card and knowingly:

11 (1) brings, or causes to be brought, into this State, a
12 firearm or firearm ammunition for the purpose of sale,
13 delivery, or transfer to any other person or with the
14 intent to sell, deliver, or transfer the firearm or firearm
15 ammunition to any other person; or

16 (2) brings, or causes to be brought, into this State, a
17 firearm and firearm ammunition for the purpose of sale,
18 delivery, or transfer to any other person or with the
19 intent to sell, deliver, or transfer the firearm and
20 firearm ammunition to any other person.

21 (a-5) This Section does not apply to:

22 (1) a person exempt under Section 2 of the Firearm
23 Owners Identification Card Act from the requirement of

1 having possession of a Firearm Owner's Identification Card
2 previously issued in his or her name by the Department of
3 State Police in order to acquire or possess a firearm or
4 firearm ammunition;

5 (2) a common carrier under subsection (i) of Section
6 24-2 of this Code; or

7 (3) a non-resident who may lawfully possess a firearm
8 in his or her resident state.

9 (b) Sentence.

10 (1) Firearms trafficking is a Class 1 felony for which
11 the person, if sentenced to a term of imprisonment, shall
12 be sentenced to not less than 4 years and not more than 20
13 years.

14 (2) Firearms trafficking by a person who has been
15 previously convicted of firearms trafficking, gunrunning,
16 or a felony offense for the unlawful sale, delivery, or
17 transfer of a firearm or firearm ammunition in this State
18 or another jurisdiction is a Class X felony.

19 Section 10. The Unified Code of Corrections is amended by
20 changing Section 5-5-3 as follows:

21 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

22 Sec. 5-5-3. Disposition.

23 (a) (Blank).

24 (b) (Blank).

1 (c) (1) (Blank).

2 (2) A period of probation, a term of periodic imprisonment
3 or conditional discharge shall not be imposed for the following
4 offenses. The court shall sentence the offender to not less
5 than the minimum term of imprisonment set forth in this Code
6 for the following offenses, and may order a fine or restitution
7 or both in conjunction with such term of imprisonment:

8 (A) First degree murder where the death penalty is not
9 imposed.

10 (B) Attempted first degree murder.

11 (C) A Class X felony.

12 (D) A violation of Section 401.1 or 407 of the Illinois
13 Controlled Substances Act, or a violation of subdivision
14 (c) (1.5) or (c) (2) of Section 401 of that Act which relates
15 to more than 5 grams of a substance containing cocaine,
16 fentanyl, or an analog thereof.

17 (D-5) A violation of subdivision (c) (1) of Section 401
18 of the Illinois Controlled Substances Act which relates to
19 3 or more grams of a substance containing heroin or an
20 analog thereof.

21 (E) A violation of Section 5.1 or 9 of the Cannabis
22 Control Act.

23 (F) A Class 2 or greater felony if the offender had
24 been convicted of a Class 2 or greater felony, including
25 any state or federal conviction for an offense that
26 contained, at the time it was committed, the same elements

1 as an offense now (the date of the offense committed after
2 the prior Class 2 or greater felony) classified as a Class
3 2 or greater felony, within 10 years of the date on which
4 the offender committed the offense for which he or she is
5 being sentenced, except as otherwise provided in Section
6 40-10 of the Alcoholism and Other Drug Abuse and Dependency
7 Act.

8 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
9 the Criminal Code of 1961 or the Criminal Code of 2012 for
10 which imprisonment is prescribed in those Sections.

11 (G) Residential burglary, except as otherwise provided
12 in Section 40-10 of the Alcoholism and Other Drug Abuse and
13 Dependency Act.

14 (H) Criminal sexual assault.

15 (I) Aggravated battery of a senior citizen as described
16 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05
17 of the Criminal Code of 1961 or the Criminal Code of 2012.

18 (J) A forcible felony if the offense was related to the
19 activities of an organized gang.

20 Before July 1, 1994, for the purposes of this
21 paragraph, "organized gang" means an association of 5 or
22 more persons, with an established hierarchy, that
23 encourages members of the association to perpetrate crimes
24 or provides support to the members of the association who
25 do commit crimes.

26 Beginning July 1, 1994, for the purposes of this

1 paragraph, "organized gang" has the meaning ascribed to it
2 in Section 10 of the Illinois Streetgang Terrorism Omnibus
3 Prevention Act.

4 (K) Vehicular hijacking.

5 (L) A second or subsequent conviction for the offense
6 of hate crime when the underlying offense upon which the
7 hate crime is based is felony aggravated assault or felony
8 mob action.

9 (M) A second or subsequent conviction for the offense
10 of institutional vandalism if the damage to the property
11 exceeds \$300.

12 (N) A Class 3 felony violation of paragraph (1) of
13 subsection (a) of Section 2 of the Firearm Owners
14 Identification Card Act.

15 (O) A violation of Section 12-6.1 or 12-6.5 of the
16 Criminal Code of 1961 or the Criminal Code of 2012.

17 (P) A violation of paragraph (1), (2), (3), (4), (5),
18 or (7) of subsection (a) of Section 11-20.1 of the Criminal
19 Code of 1961 or the Criminal Code of 2012.

20 (Q) A violation of subsection (b) or (b-5) of Section
21 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
22 Code of 1961 or the Criminal Code of 2012.

23 (R) A violation of Section 24-3A of the Criminal Code
24 of 1961 or the Criminal Code of 2012.

25 (S) (Blank).

26 (T) A second or subsequent violation of the

1 Methamphetamine Control and Community Protection Act.

2 (U) A second or subsequent violation of Section 6-303
3 of the Illinois Vehicle Code committed while his or her
4 driver's license, permit, or privilege was revoked because
5 of a violation of Section 9-3 of the Criminal Code of 1961
6 or the Criminal Code of 2012, relating to the offense of
7 reckless homicide, or a similar provision of a law of
8 another state.

9 (V) A violation of paragraph (4) of subsection (c) of
10 Section 11-20.1B or paragraph (4) of subsection (c) of
11 Section 11-20.3 of the Criminal Code of 1961, or paragraph
12 (6) of subsection (a) of Section 11-20.1 of the Criminal
13 Code of 2012 when the victim is under 13 years of age and
14 the defendant has previously been convicted under the laws
15 of this State or any other state of the offense of child
16 pornography, aggravated child pornography, aggravated
17 criminal sexual abuse, aggravated criminal sexual assault,
18 predatory criminal sexual assault of a child, or any of the
19 offenses formerly known as rape, deviate sexual assault,
20 indecent liberties with a child, or aggravated indecent
21 liberties with a child where the victim was under the age
22 of 18 years or an offense that is substantially equivalent
23 to those offenses.

24 (W) A violation of Section 24-3.5 of the Criminal Code
25 of 1961 or the Criminal Code of 2012.

26 (X) A violation of subsection (a) of Section 31-1a of

1 the Criminal Code of 1961 or the Criminal Code of 2012.

2 (Y) A conviction for unlawful possession of a firearm
3 by a street gang member when the firearm was loaded or
4 contained firearm ammunition.

5 (Z) A Class 1 felony committed while he or she was
6 serving a term of probation or conditional discharge for a
7 felony.

8 (AA) Theft of property exceeding \$500,000 and not
9 exceeding \$1,000,000 in value.

10 (BB) Laundering of criminally derived property of a
11 value exceeding \$500,000.

12 (CC) Knowingly selling, offering for sale, holding for
13 sale, or using 2,000 or more counterfeit items or
14 counterfeit items having a retail value in the aggregate of
15 \$500,000 or more.

16 (DD) A conviction for aggravated assault under
17 paragraph (6) of subsection (c) of Section 12-2 of the
18 Criminal Code of 1961 or the Criminal Code of 2012 if the
19 firearm is aimed toward the person against whom the firearm
20 is being used.

21 (EE) A conviction for a violation of paragraph (2) of
22 subsection (a) of Section 24-3B of the Criminal Code of
23 2012.

24 (3) (Blank).

25 (4) A minimum term of imprisonment of not less than 10
26 consecutive days or 30 days of community service shall be

1 imposed for a violation of paragraph (c) of Section 6-303 of
2 the Illinois Vehicle Code.

3 (4.1) (Blank).

4 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
5 this subsection (c), a minimum of 100 hours of community
6 service shall be imposed for a second violation of Section
7 6-303 of the Illinois Vehicle Code.

8 (4.3) A minimum term of imprisonment of 30 days or 300
9 hours of community service, as determined by the court, shall
10 be imposed for a second violation of subsection (c) of Section
11 6-303 of the Illinois Vehicle Code.

12 (4.4) Except as provided in paragraphs (4.5), (4.6), and
13 (4.9) of this subsection (c), a minimum term of imprisonment of
14 30 days or 300 hours of community service, as determined by the
15 court, shall be imposed for a third or subsequent violation of
16 Section 6-303 of the Illinois Vehicle Code.

17 (4.5) A minimum term of imprisonment of 30 days shall be
18 imposed for a third violation of subsection (c) of Section
19 6-303 of the Illinois Vehicle Code.

20 (4.6) Except as provided in paragraph (4.10) of this
21 subsection (c), a minimum term of imprisonment of 180 days
22 shall be imposed for a fourth or subsequent violation of
23 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

24 (4.7) A minimum term of imprisonment of not less than 30
25 consecutive days, or 300 hours of community service, shall be
26 imposed for a violation of subsection (a-5) of Section 6-303 of

1 the Illinois Vehicle Code, as provided in subsection (b-5) of
2 that Section.

3 (4.8) A mandatory prison sentence shall be imposed for a
4 second violation of subsection (a-5) of Section 6-303 of the
5 Illinois Vehicle Code, as provided in subsection (c-5) of that
6 Section. The person's driving privileges shall be revoked for a
7 period of not less than 5 years from the date of his or her
8 release from prison.

9 (4.9) A mandatory prison sentence of not less than 4 and
10 not more than 15 years shall be imposed for a third violation
11 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
12 Code, as provided in subsection (d-2.5) of that Section. The
13 person's driving privileges shall be revoked for the remainder
14 of his or her life.

15 (4.10) A mandatory prison sentence for a Class 1 felony
16 shall be imposed, and the person shall be eligible for an
17 extended term sentence, for a fourth or subsequent violation of
18 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
19 as provided in subsection (d-3.5) of that Section. The person's
20 driving privileges shall be revoked for the remainder of his or
21 her life.

22 (5) The court may sentence a corporation or unincorporated
23 association convicted of any offense to:

24 (A) a period of conditional discharge;

25 (B) a fine;

26 (C) make restitution to the victim under Section 5-5-6

1 of this Code.

2 (5.1) In addition to any other penalties imposed, and
3 except as provided in paragraph (5.2) or (5.3), a person
4 convicted of violating subsection (c) of Section 11-907 of the
5 Illinois Vehicle Code shall have his or her driver's license,
6 permit, or privileges suspended for at least 90 days but not
7 more than one year, if the violation resulted in damage to the
8 property of another person.

9 (5.2) In addition to any other penalties imposed, and
10 except as provided in paragraph (5.3), a person convicted of
11 violating subsection (c) of Section 11-907 of the Illinois
12 Vehicle Code shall have his or her driver's license, permit, or
13 privileges suspended for at least 180 days but not more than 2
14 years, if the violation resulted in injury to another person.

15 (5.3) In addition to any other penalties imposed, a person
16 convicted of violating subsection (c) of Section 11-907 of the
17 Illinois Vehicle Code shall have his or her driver's license,
18 permit, or privileges suspended for 2 years, if the violation
19 resulted in the death of another person.

20 (5.4) In addition to any other penalties imposed, a person
21 convicted of violating Section 3-707 of the Illinois Vehicle
22 Code shall have his or her driver's license, permit, or
23 privileges suspended for 3 months and until he or she has paid
24 a reinstatement fee of \$100.

25 (5.5) In addition to any other penalties imposed, a person
26 convicted of violating Section 3-707 of the Illinois Vehicle

1 Code during a period in which his or her driver's license,
2 permit, or privileges were suspended for a previous violation
3 of that Section shall have his or her driver's license, permit,
4 or privileges suspended for an additional 6 months after the
5 expiration of the original 3-month suspension and until he or
6 she has paid a reinstatement fee of \$100.

7 (6) (Blank).

8 (7) (Blank).

9 (8) (Blank).

10 (9) A defendant convicted of a second or subsequent offense
11 of ritualized abuse of a child may be sentenced to a term of
12 natural life imprisonment.

13 (10) (Blank).

14 (11) The court shall impose a minimum fine of \$1,000 for a
15 first offense and \$2,000 for a second or subsequent offense
16 upon a person convicted of or placed on supervision for battery
17 when the individual harmed was a sports official or coach at
18 any level of competition and the act causing harm to the sports
19 official or coach occurred within an athletic facility or
20 within the immediate vicinity of the athletic facility at which
21 the sports official or coach was an active participant of the
22 athletic contest held at the athletic facility. For the
23 purposes of this paragraph (11), "sports official" means a
24 person at an athletic contest who enforces the rules of the
25 contest, such as an umpire or referee; "athletic facility"
26 means an indoor or outdoor playing field or recreational area

1 where sports activities are conducted; and "coach" means a
2 person recognized as a coach by the sanctioning authority that
3 conducted the sporting event.

4 (12) A person may not receive a disposition of court
5 supervision for a violation of Section 5-16 of the Boat
6 Registration and Safety Act if that person has previously
7 received a disposition of court supervision for a violation of
8 that Section.

9 (13) A person convicted of or placed on court supervision
10 for an assault or aggravated assault when the victim and the
11 offender are family or household members as defined in Section
12 103 of the Illinois Domestic Violence Act of 1986 or convicted
13 of domestic battery or aggravated domestic battery may be
14 required to attend a Partner Abuse Intervention Program under
15 protocols set forth by the Illinois Department of Human
16 Services under such terms and conditions imposed by the court.
17 The costs of such classes shall be paid by the offender.

18 (d) In any case in which a sentence originally imposed is
19 vacated, the case shall be remanded to the trial court. The
20 trial court shall hold a hearing under Section 5-4-1 of the
21 Unified Code of Corrections which may include evidence of the
22 defendant's life, moral character and occupation during the
23 time since the original sentence was passed. The trial court
24 shall then impose sentence upon the defendant. The trial court
25 may impose any sentence which could have been imposed at the
26 original trial subject to Section 5-5-4 of the Unified Code of

1 Corrections. If a sentence is vacated on appeal or on
2 collateral attack due to the failure of the trier of fact at
3 trial to determine beyond a reasonable doubt the existence of a
4 fact (other than a prior conviction) necessary to increase the
5 punishment for the offense beyond the statutory maximum
6 otherwise applicable, either the defendant may be re-sentenced
7 to a term within the range otherwise provided or, if the State
8 files notice of its intention to again seek the extended
9 sentence, the defendant shall be afforded a new trial.

10 (e) In cases where prosecution for aggravated criminal
11 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
12 Code of 1961 or the Criminal Code of 2012 results in conviction
13 of a defendant who was a family member of the victim at the
14 time of the commission of the offense, the court shall consider
15 the safety and welfare of the victim and may impose a sentence
16 of probation only where:

17 (1) the court finds (A) or (B) or both are appropriate:

18 (A) the defendant is willing to undergo a court
19 approved counseling program for a minimum duration of 2
20 years; or

21 (B) the defendant is willing to participate in a
22 court approved plan including but not limited to the
23 defendant's:

24 (i) removal from the household;

25 (ii) restricted contact with the victim;

26 (iii) continued financial support of the

1 family;

2 (iv) restitution for harm done to the victim;

3 and

4 (v) compliance with any other measures that
5 the court may deem appropriate; and

6 (2) the court orders the defendant to pay for the
7 victim's counseling services, to the extent that the court
8 finds, after considering the defendant's income and
9 assets, that the defendant is financially capable of paying
10 for such services, if the victim was under 18 years of age
11 at the time the offense was committed and requires
12 counseling as a result of the offense.

13 Probation may be revoked or modified pursuant to Section
14 5-6-4; except where the court determines at the hearing that
15 the defendant violated a condition of his or her probation
16 restricting contact with the victim or other family members or
17 commits another offense with the victim or other family
18 members, the court shall revoke the defendant's probation and
19 impose a term of imprisonment.

20 For the purposes of this Section, "family member" and
21 "victim" shall have the meanings ascribed to them in Section
22 11-0.1 of the Criminal Code of 2012.

23 (f) (Blank).

24 (g) Whenever a defendant is convicted of an offense under
25 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
26 11-14.3, 11-14.4 except for an offense that involves keeping a

1 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
2 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
3 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, the defendant shall undergo medical
5 testing to determine whether the defendant has any sexually
6 transmissible disease, including a test for infection with
7 human immunodeficiency virus (HIV) or any other identified
8 causative agent of acquired immunodeficiency syndrome (AIDS).
9 Any such medical test shall be performed only by appropriately
10 licensed medical practitioners and may include an analysis of
11 any bodily fluids as well as an examination of the defendant's
12 person. Except as otherwise provided by law, the results of
13 such test shall be kept strictly confidential by all medical
14 personnel involved in the testing and must be personally
15 delivered in a sealed envelope to the judge of the court in
16 which the conviction was entered for the judge's inspection in
17 camera. Acting in accordance with the best interests of the
18 victim and the public, the judge shall have the discretion to
19 determine to whom, if anyone, the results of the testing may be
20 revealed. The court shall notify the defendant of the test
21 results. The court shall also notify the victim if requested by
22 the victim, and if the victim is under the age of 15 and if
23 requested by the victim's parents or legal guardian, the court
24 shall notify the victim's parents or legal guardian of the test
25 results. The court shall provide information on the
26 availability of HIV testing and counseling at Department of

1 Public Health facilities to all parties to whom the results of
2 the testing are revealed and shall direct the State's Attorney
3 to provide the information to the victim when possible. A
4 State's Attorney may petition the court to obtain the results
5 of any HIV test administered under this Section, and the court
6 shall grant the disclosure if the State's Attorney shows it is
7 relevant in order to prosecute a charge of criminal
8 transmission of HIV under Section 12-5.01 or 12-16.2 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 against the
10 defendant. The court shall order that the cost of any such test
11 shall be paid by the county and may be taxed as costs against
12 the convicted defendant.

13 (g-5) When an inmate is tested for an airborne communicable
14 disease, as determined by the Illinois Department of Public
15 Health including but not limited to tuberculosis, the results
16 of the test shall be personally delivered by the warden or his
17 or her designee in a sealed envelope to the judge of the court
18 in which the inmate must appear for the judge's inspection in
19 camera if requested by the judge. Acting in accordance with the
20 best interests of those in the courtroom, the judge shall have
21 the discretion to determine what if any precautions need to be
22 taken to prevent transmission of the disease in the courtroom.

23 (h) Whenever a defendant is convicted of an offense under
24 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
25 defendant shall undergo medical testing to determine whether
26 the defendant has been exposed to human immunodeficiency virus

1 (HIV) or any other identified causative agent of acquired
2 immunodeficiency syndrome (AIDS). Except as otherwise provided
3 by law, the results of such test shall be kept strictly
4 confidential by all medical personnel involved in the testing
5 and must be personally delivered in a sealed envelope to the
6 judge of the court in which the conviction was entered for the
7 judge's inspection in camera. Acting in accordance with the
8 best interests of the public, the judge shall have the
9 discretion to determine to whom, if anyone, the results of the
10 testing may be revealed. The court shall notify the defendant
11 of a positive test showing an infection with the human
12 immunodeficiency virus (HIV). The court shall provide
13 information on the availability of HIV testing and counseling
14 at Department of Public Health facilities to all parties to
15 whom the results of the testing are revealed and shall direct
16 the State's Attorney to provide the information to the victim
17 when possible. A State's Attorney may petition the court to
18 obtain the results of any HIV test administered under this
19 Section, and the court shall grant the disclosure if the
20 State's Attorney shows it is relevant in order to prosecute a
21 charge of criminal transmission of HIV under Section 12-5.01 or
22 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
23 2012 against the defendant. The court shall order that the cost
24 of any such test shall be paid by the county and may be taxed as
25 costs against the convicted defendant.

26 (i) All fines and penalties imposed under this Section for

1 any violation of Chapters 3, 4, 6, and 11 of the Illinois
2 Vehicle Code, or a similar provision of a local ordinance, and
3 any violation of the Child Passenger Protection Act, or a
4 similar provision of a local ordinance, shall be collected and
5 disbursed by the circuit clerk as provided under Section 27.5
6 of the Clerks of Courts Act.

7 (j) In cases when prosecution for any violation of Section
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
9 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
10 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
11 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
12 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
13 Code of 2012, any violation of the Illinois Controlled
14 Substances Act, any violation of the Cannabis Control Act, or
15 any violation of the Methamphetamine Control and Community
16 Protection Act results in conviction, a disposition of court
17 supervision, or an order of probation granted under Section 10
18 of the Cannabis Control Act, Section 410 of the Illinois
19 Controlled Substances Act, or Section 70 of the Methamphetamine
20 Control and Community Protection Act of a defendant, the court
21 shall determine whether the defendant is employed by a facility
22 or center as defined under the Child Care Act of 1969, a public
23 or private elementary or secondary school, or otherwise works
24 with children under 18 years of age on a daily basis. When a
25 defendant is so employed, the court shall order the Clerk of
26 the Court to send a copy of the judgment of conviction or order

1 of supervision or probation to the defendant's employer by
2 certified mail. If the employer of the defendant is a school,
3 the Clerk of the Court shall direct the mailing of a copy of
4 the judgment of conviction or order of supervision or probation
5 to the appropriate regional superintendent of schools. The
6 regional superintendent of schools shall notify the State Board
7 of Education of any notification under this subsection.

8 (j-5) A defendant at least 17 years of age who is convicted
9 of a felony and who has not been previously convicted of a
10 misdemeanor or felony and who is sentenced to a term of
11 imprisonment in the Illinois Department of Corrections shall as
12 a condition of his or her sentence be required by the court to
13 attend educational courses designed to prepare the defendant
14 for a high school diploma and to work toward a high school
15 diploma or to work toward passing high school equivalency
16 testing or to work toward completing a vocational training
17 program offered by the Department of Corrections. If a
18 defendant fails to complete the educational training required
19 by his or her sentence during the term of incarceration, the
20 Prisoner Review Board shall, as a condition of mandatory
21 supervised release, require the defendant, at his or her own
22 expense, to pursue a course of study toward a high school
23 diploma or passage of high school equivalency testing. The
24 Prisoner Review Board shall revoke the mandatory supervised
25 release of a defendant who wilfully fails to comply with this
26 subsection (j-5) upon his or her release from confinement in a

1 penal institution while serving a mandatory supervised release
2 term; however, the inability of the defendant after making a
3 good faith effort to obtain financial aid or pay for the
4 educational training shall not be deemed a wilful failure to
5 comply. The Prisoner Review Board shall recommit the defendant
6 whose mandatory supervised release term has been revoked under
7 this subsection (j-5) as provided in Section 3-3-9. This
8 subsection (j-5) does not apply to a defendant who has a high
9 school diploma or has successfully passed high school
10 equivalency testing. This subsection (j-5) does not apply to a
11 defendant who is determined by the court to be a person with a
12 developmental disability or otherwise mentally incapable of
13 completing the educational or vocational program.

14 (k) (Blank).

15 (l) (A) Except as provided in paragraph (C) of subsection
16 (l), whenever a defendant, who is an alien as defined by the
17 Immigration and Nationality Act, is convicted of any felony or
18 misdemeanor offense, the court after sentencing the defendant
19 may, upon motion of the State's Attorney, hold sentence in
20 abeyance and remand the defendant to the custody of the
21 Attorney General of the United States or his or her designated
22 agent to be deported when:

23 (1) a final order of deportation has been issued
24 against the defendant pursuant to proceedings under the
25 Immigration and Nationality Act, and

26 (2) the deportation of the defendant would not

1 deprecate the seriousness of the defendant's conduct and
2 would not be inconsistent with the ends of justice.

3 Otherwise, the defendant shall be sentenced as provided in
4 this Chapter V.

5 (B) If the defendant has already been sentenced for a
6 felony or misdemeanor offense, or has been placed on probation
7 under Section 10 of the Cannabis Control Act, Section 410 of
8 the Illinois Controlled Substances Act, or Section 70 of the
9 Methamphetamine Control and Community Protection Act, the
10 court may, upon motion of the State's Attorney to suspend the
11 sentence imposed, commit the defendant to the custody of the
12 Attorney General of the United States or his or her designated
13 agent when:

14 (1) a final order of deportation has been issued
15 against the defendant pursuant to proceedings under the
16 Immigration and Nationality Act, and

17 (2) the deportation of the defendant would not
18 deprecate the seriousness of the defendant's conduct and
19 would not be inconsistent with the ends of justice.

20 (C) This subsection (1) does not apply to offenders who are
21 subject to the provisions of paragraph (2) of subsection (a) of
22 Section 3-6-3.

23 (D) Upon motion of the State's Attorney, if a defendant
24 sentenced under this Section returns to the jurisdiction of the
25 United States, the defendant shall be recommitted to the
26 custody of the county from which he or she was sentenced.

1 Thereafter, the defendant shall be brought before the
2 sentencing court, which may impose any sentence that was
3 available under Section 5-5-3 at the time of initial
4 sentencing. In addition, the defendant shall not be eligible
5 for additional sentence credit for good conduct as provided
6 under Section 3-6-3.

7 (m) A person convicted of criminal defacement of property
8 under Section 21-1.3 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, in which the property damage exceeds
10 \$300 and the property damaged is a school building, shall be
11 ordered to perform community service that may include cleanup,
12 removal, or painting over the defacement.

13 (n) The court may sentence a person convicted of a
14 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
15 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
16 of 1961 or the Criminal Code of 2012 (i) to an impact
17 incarceration program if the person is otherwise eligible for
18 that program under Section 5-8-1.1, (ii) to community service,
19 or (iii) if the person is an addict or alcoholic, as defined in
20 the Alcoholism and Other Drug Abuse and Dependency Act, to a
21 substance or alcohol abuse program licensed under that Act.

22 (o) Whenever a person is convicted of a sex offense as
23 defined in Section 2 of the Sex Offender Registration Act, the
24 defendant's driver's license or permit shall be subject to
25 renewal on an annual basis in accordance with the provisions of
26 license renewal established by the Secretary of State.

1 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
2 99-143, eff. 7-27-15.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.